

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

SILVERCREEK MANAGEMENT, INC., *et al.*,

Plaintiffs,

-against-

CITIGROUP, INC., *et al.*,

Defendants.

Civil Action No. 1:02-cv-08881 JPO

**DEFENDANT JEFFREY K. SKILLING'S JOINDER IN
FINANCIAL INSTITUTIONS' MOTION TO DISMISS THE SILVERCREEK
PLAINTIFFS' THIRD AMENDED COMPLAINT (ECF 10-115)**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that defendant Jeffrey K. Skilling will and hereby does move to dismiss and requests that the Court dismiss with prejudice Count Four (Fraud and Deceit Against Officer Defendants, Merrill Lynch and CSFB), Count Five (Negligent Misrepresentation as Against Officer Defendants, Merrill Lynch and CSFB), Count Seven (Violations of Section 11 of the Securities Act Against the Officer Defendants), Count Nine (Violations of Article 581-1, et seq. of Texas Securities Act Against All Defendants) and Count Ten (Violations of 10(b) of the Securities Exchange Act and Rule 10(b)(5) Against the Officer Defendants) of the Third Amended Complaint [ECF 10-115] filed by plaintiffs Silvercreek Management Inc., Silvercreek Limited Partnership, Silvercreek II Limited, OIP Limited, and Pebble Limited Partnership (collectively, the "Plaintiffs"). As grounds for this motion, Mr. Skilling joins in and incorporates by reference the Financial Institutions' Motion to Dismiss the Silvercreek Plaintiffs' Third Amended Complaint (ECF 10-115) [ECF 49, 49-1], filed on August 5, 2016.

This joinder and motion to dismiss incorporates by reference and is based on the Financial Institutions' Motion to Dismiss, the authorities cited in the various supporting papers, all supporting evidence filed in connection with the Financial Institutions' Motion to Dismiss, and all prior papers—including, but not limited to the Financial Institutions' Joint Memorandum of Law in Support of their Joint Motion to Dismiss the Silvercreek Plaintiffs' Third Amended Complaint [ECF 50]; the accompanying Declaration of David H. Korn, executed on July 29, 2016, with the exhibit thereto [ECF 52, 52-1]; Credit Suisse's Separate Memorandum of Law in Support of the Financial Institutions' Joint Motion to Dismiss the Silvercreek Plaintiffs' Third Amended Complaint [ECF 53]; the Deutsche Bank Defendants' Separate Memorandum of Law in Support of the Financial Institutions' Joint Motion to Dismiss the Silvercreek Plaintiffs' Third Amended Complaint [ECF 51] and the accompanying Declaration of Linda Regis-Hallinan [ECF 54, 54-1, 54-2, 54-3]—as well as such other papers, evidence, and argument in support thereof that may properly be presented.

Dated: August 5, 2016
Los Angeles, California

Respectfully submitted,

By: /s/ Jeffrey A. Barker

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